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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/805,960	03/22/2004	Kenichi Takahiro	N&H Case 448	2590
23474	7590	06/16/2005	EXAMINER	
FLYNN THIEL BOUTELL & TANIS, P.C. 2026 RAMBLING ROAD KALAMAZOO, MI 49008-1699			PATEL, VISHAL A	
			ART UNIT	PAPER NUMBER
			3679	

DATE MAILED: 06/16/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

10/805,960

Applicant(s)

TAKAHIRO ET AL.

Examiner

Vishal Patel

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 04 April 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-11 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-11 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

## DETAILED ACTION

### *Claim Rejections - 35 USC § 102*

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1 and 3 are rejected under 35 U.S.C. 102(e) as being anticipated by Johnson (US. 6,450,507).

Johnson discloses a ring-shaped gasket comprising an annular body having a substantially rectangular or square cross-section, an inner side facing inwardly (inner side just above an annular projection portion having 34) and an outer side facing outwardly (outer side just below the arms). The gasket comprising a pair of annular arms portions projecting generally inwardly from the inner side of the annular main body (arms 48) and about the circumference of the main body in a bugle state at a predetermined angle relative to a radial direction from the main body (the arms are angled relative to a radial direction of the main body) and each of the arm portions projecting outwardly (arms 48 are projecting outwardly) having a substantially rectangular cross-section so that the annular arm portions have substantially the same width along the length thereof (the arm have substantially same width throughout). The gasket having an annular projection portion (portion 34) integral with the annular main body and projecting circumferentially from the outer side of the main body, the annular projection portion having a cross-section larger in an axial direction than the cross section of the annular main body (the

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annular main body has a larger cross-section in an axial direction than the annular main body.

The metal gasket is an elastic deforming gasket between two flanges. The cross section of the annular projection portion has a generally flat side opposite the main body (flat inner side of 34). The annular projection portion has generally flat sides radially adjacent to and symmetrical with the main body (flat sides 42 and 44) and the flat side facing inwardly about the circumference of the gasket (flat inner side of 34).

Regarding claim 3: In use the metal gasket is free from additional sealing element and the gasket comprises a monolithic element (intended use but the gasket is monolithic).

*Claim Rejections - 35 USC § 103*

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 2, 4 and 7-9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Johnson in view of Kohler (US. 4,361,331).

Johnson discloses the invention substantially as claimed above but fails to disclose that the metal gasket has arms that project inwardly of the main body. Kohler discloses a metal gasket where in one instance arms are projecting inwardly (2a-2c) and in a second instance the arms are projecting outwardly (figure 1a-1c). It would have been obvious to one having ordinary skill in the art at the time the invention was made to configure the gasket of Johnson to have the arms are projecting inwardly as taught by Kohler, to provide arms inwardly or outwardly of a gasket main body is considered to be art equivalent (see figures 1a-1c and 2a-2c of Kohler).

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5. Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Johnson in view of Press et al (US. 3,239,245).

Johnson discloses the invention substantially as claimed above but fails to disclose that the angle in the range of 10 degrees to 15 degrees. Press discloses a seal having two arms (arms 50 and 49) extending from a main body (59) and the arms are 15 degrees (this is the case as described in column 4). It would have been obvious to one having ordinary skill in the art at the time the invention was made to configure the flanges of Johnson to be 15 degrees as taught by Press to provide a proper and tight seal (see claims of Press).

6. Claims 6 and 10-11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Johnson and Kohler in further view of Press et al.

Johnson and Kohler disclose the invention substantially as claimed above but fail to disclose that the angle in the range of 10 degrees to 15 degrees. Press discloses a seal having two arms (arms 50 and 49) extending from a main body (59) and the arms are 15 degrees (this is the case as described in column 4). It would have been obvious to one having ordinary skill in the art at the time the invention was made to configure the flanges of Johnson and Kohler to be 15 degrees as taught by Press to provide a proper and tight seal (see claims of Press).

***Response to Arguments***

7. Applicant's arguments with respect to claims 1-11 have been considered but are moot in view of the new ground(s) of rejection.

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***Conclusion***

8. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Vishal Patel whose telephone number is (703) 308-8495. The examiner can normally be reached on Monday through Friday from 7:30 PM to 4:00 PM (EST).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Heather Shackelford, can be reached on (703) 308-2978.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 308-2168. Technology Center 3600 Customer Service is available at 703-308-1113. General Customer Service numbers are at 800-786-9199 or 703-308-9000. Fax Customer Service is available at 703-872-9325.

**Any response to this action should be mailed to:**

Commissioner of Patents and Trademarks  
Washington, D.C. 20231

**or faxed to:** 703-872-9326, for formal communications for entry before Final action: or,  
703-872-9327, for formal communications for entry after Final action.

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Hand-delivered responses should be brought to Crystal Park Five, 2451 Crystal Drive, Arlington, Virginia, Seventh Floor (Receptionist suite adjacent to the elevator lobby).

VP

June 7, 2005

A handwritten signature in black ink, appearing to read "Alison Pickard". The signature is fluid and cursive, with the first name "Alison" and last name "Pickard" clearly distinguishable.

ALISON PICKARD  
Primary Patent Examiner  
Tech. Center 3600